

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 65, “Food Assistance Program Administration,” Iowa Administrative Code.

Iowa’s Food Assistance employment and training program rules currently mandate participation by certain categories of Food Assistance recipients and provide for penalties for failure to participate as prescribed by federal regulations. The employment and training program is a federal program operated by states under the umbrella of the federal Supplemental Nutrition Assistance Program.

Federal regulations provide an option for an all-volunteer employment and training program. The proposed amendments implement that option. States are required to submit an annual employment and training state plan to the USDA Food and Nutrition Service for approval before implementing the volunteer plan. Upon plan approval and negotiation of administrative contracts, notice of program availability will be mailed to Food Assistance recipients with instructions to request services through the Iowa Workforce Development Department or a participating community college.

A volunteer program will help Food Assistance recipients who truly want help to become employed and those who need more education or vocational training to compete in the current job market and become employed. Volunteers are also likely to be more successful participants than those who simply participate to avoid being disqualified from the Food Assistance program. This change will allow the program to focus on Food Assistance recipients who can most benefit and will make the best use of the limited funding that is available to provide services.

These amendments do not provide for waivers in specified situations because the amendments remove restrictions on participation and Food Assistance eligibility. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before March 16, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.12 and 2009 Iowa Acts, chapter 182, section 6.

The following amendments are proposed.

ITEM 1. Amend subrules 65.28(6) and 65.28(7) as follows:

65.28(6) *Work registrant requirements.* Work registrants shall: respond to a request from the department for supplemental information regarding employment status or availability for work.

~~a. Participate in an assigned employment and training program.~~

~~b. Respond to a request from the department or its designee for supplemental information regarding employment status or availability for work.~~

~~c. Report to an employer to whom referred by the department or its designee if the potential employment meets the suitability requirements described in subrule 65.28(15).~~

~~d. Accept a bona fide offer of suitable employment at a wage not less than the federal minimum wage.~~

65.28(7) *Employment and training programs program.* Persons required to register for work and not exempted by subrule 65.28(9) from placement in a component shall be subject to employment and

~~training requirements. If all nonexempt mandatory registrants cannot be served because minimum federal participation standards have been met, registrants will be randomly selected for referral up to the minimum standard. Requirements may vary among participants.~~

~~a. The employment and training program for food assistance recipients is designed to assist:~~

~~(1) Persons who have lost jobs or are underemployed and who need new skills in order to reenter the workplace because there are no jobs available for which the persons are trained.~~

~~(2) Persons who have been out of the workforce for a period of time to regain licensure or certification in an area in which they are already trained.~~

~~(3) Persons who wish to upgrade their employment for better wages and benefits.~~

~~b. The department or its designee shall serve as the provider of employment and training services for nonexempt registrants food assistance recipients who wish to volunteer, except for those who are also recipients of family investment program (FIP) benefits. Federal law prohibits FIP recipients from participating in any food assistance employment and training program.~~

~~c. The program offers a range of services from basic skills to advanced training in order to accommodate persons with various levels of need and abilities. The department or its designee can may require participants a volunteer to engage in vocational testing activities when deemed necessary to determine if a component is appropriate for improving the volunteer's opportunity for employment.~~

~~Participants shall report for all scheduled employment interviews and accept bona fide offers of suitable employment as defined in subrule 65.28(15).~~

~~Participants who, for any reason, are absent from any scheduled employment and training appointment shall be required to reschedule a like appointment. Absence includes missing more than 30 minutes of a scheduled appointment.~~

ITEM 2. Rescind subrule 65.28(8) and adopt the following new subrule in lieu thereof:

65.28(8) *Employment and training components.* Employment and training components include individual job search, job club, educational services, and job retention services. The department or its designee shall offer employment and training components subject to the availability of sufficient funding to cover program costs. Availability of components may vary among the areas where employment and training are offered.

a. Individual job search. The individual job search shall be modeled after the family investment program's PROMISE JOBS individual job search component, as described at 441—subrule 93.6(2).

b. Job club. The employment and training job club shall be modeled after the family investment program's PROMISE JOBS job club, as described at 441—subrule 93.6(1).

c. Educational services. Educational services offered shall include general educational development (GED), adult basic education (ABE), English as a second language (ESL), and vocational training or educational opportunities limited to a two-year college degree. Educational services may include, but are not limited to, obtaining continuing education credit hours needed for a recipient to become recertified or to renew licensure for a profession.

d. Job retention services. Job retention services are intended to provide needed assistance with costs associated with beginning employment. Services are available only to persons who have received employment or training services under this subrule. Job retention services will be offered up to 90 days after the person secures employment. Services may include payment of:

(1) A transportation allowance of \$50 per month for round-trip travel of 50 miles or less or \$100 per month for round-trip travel of 51 miles or more.

(2) The cost of testing, certification, licensing, bonding, or legal services required for employment.

(3) The cost of equipment, tools, uniforms, or other special clothing required by the job.

(4) Other reasonable and necessary costs related to starting and retaining employment.

ITEM 3. Rescind and reserve subrules **65.28(9)** and **65.28(10)**.

ITEM 4. Amend subrules 65.28(11) to 65.28(14) as follows:

65.28(11) *Participation—allowance—and—dependent—care—reimbursements* Supportive services. Program participants shall be provided with services necessary to complete an employment

and training component to the extent allowable under federal regulations at 7 CFR 237.7(e)(4) as amended to January 1, 2009, and to the extent there is sufficient funding to cover the costs.

a. The department shall provide participants in employment and training programs components an allowance for costs of transportation or other costs (other than dependent care costs) reasonably necessary and directly related to participation in the components as follows: ~~of a minimum of \$25 to a maximum of \$50 for each four-week component in which the participant is placed.~~ The amount of the allowance is dependent on sufficient state and federal funding to cover the costs.

~~EXCEPTION: Participation in WIA (65.28(8), paragraph "e") does not entitle the person to a participation allowance. The department shall authorize the employment and training service provider to provide the allowance on the first day of each component in which the person participates. The department shall authorize the employment and training service provider to provide the allowance only once per component in each federal fiscal year. Participation in educational services (65.28(8), paragraph "b") is considered participation in two consecutive four-week components.~~

(1) A transportation allowance of \$50 per month for round-trip travel of 50 miles or less or \$100 per month for round-trip travel of 51 miles or more.

(2) Reasonable and necessary costs of attending a specific course of study, such as tuition, books, fees, training manuals, tools, equipment, uniforms and special clothing, safety items, and other items that all students in the course are required to have.

b. The department shall may authorize the employment and training service provider to reimburse the provider of care directly for the actual costs of dependent care expenses that the employment and training service provider determines to be necessary for the participation of a person in the components.

(1) Reimbursement for dependent care shall ~~not exceed \$200 for each child under two years of age and \$175 for each other dependent per four-week component.~~ be authorized only to the extent that another source is not available to provide the care at no cost to the employment and training program and shall be based on the child care assistance program reimbursement rates as described at 441—paragraph 170.4(7) "a." The employment and training service provider shall only reimburse a person not included in the food assistance household. The employment and training service provider shall only reimburse participants in the IJS component during the regular school term to the extent that the contacts required in this component cannot be made while dependent children who attend school are in school. The employment and training service provider shall defer a person from participation in a component if the dependent care expenses exceed the dependent care reimbursement. Deferment shall continue until a suitable component is available or circumstances change and monthly dependent care expenses no longer exceed the reimbursement amount. Reimbursement is dependent on sufficient state and federal funding to cover the costs.

(2) ~~Exemption: The caretaker relative of a dependent in a family receiving FIP is not eligible for the dependent care reimbursement. Participation in WIA (65.28(8), paragraph "e") does not entitle the person to a dependent care reimbursement. The department shall authorize the employment and training service provider to provide the reimbursement after the last day of each component in which the person participates upon presentation of proof of the expense incurred and hours of care for each dependent. The department shall authorize the employment and training service provider to provide reimbursement only once per component in each federal fiscal year. Participation in educational services (65.28(8), paragraph "b") is considered participation in two consecutive four-week components.~~

65.28(12) Failure to comply. This subrule ~~does not apply~~ applies only to persons electing to participate in the employment and training components of educational services and WIA (see paragraphs 65.28(8) "b" and "e") who are mandatory work registrants as required by subrule 65.28(1).

a. When a person has refused or failed without good cause to comply with the work registration or employment and training requirements in this rule, that person shall be ineligible to participate in the food assistance program as follows:

(1) to (3) No change.

b. No change.

~~c.~~ Participants shall be notified of probation status in writing. Probation shall last for the duration of the component. In addition to other work requirements in this chapter, employment and training participants are subject to the following specific requirements:

~~(1) Participants who are absent without good cause shall be placed on probation. A second absence without good cause shall result in disqualification.~~

~~(2) Participants who are absent without good cause at the time they are scheduled to present their job search documentation shall be disqualified.~~

~~(3) Participants who fail to make the required number of employer contacts without good cause shall be disqualified. Participants who fail to complete the required number of job contacts with good cause shall be excused from completion of the job search requirements for that component.~~

~~(4) Participants who exhibit disruptive behavior shall be placed on probation; a second offense shall result in disqualification. Disruptive behavior means the participant hinders the performance of other participants or staff, refuses to follow instructions, or uses abusive language.~~

~~(5) Participants will be allowed an additional two weeks to make up employer contacts which have been disallowed by employment services. Qualifying job contacts are defined in paragraph 65.28(8) "e." Failure to make up employer contacts will result in disqualification. Employment services will disallow employer contacts when it has been determined that the participant failed to make a face-to-face contact or the requirements of the job applied for far exceed the applicant's level of experience, education, or abilities.~~

~~(6) Participants who make physical threats to other participants or staff shall be disqualified.~~

65.28(13) Noncompliance with comparable requirements. The department shall treat a mandatory work registrant's failure to comply with an unemployment compensation requirement that is comparable to a food assistance work registration ~~or employment and training~~ requirement as a failure to comply with the corresponding food assistance requirement. Disqualification procedures in subrule 65.28(12) shall be followed.

65.28(14) Ending disqualification. Following the end of the disqualification periods for noncompliance and as provided in rules 441—65.27(234) and 441—65.28(234), participation may resume.

a. No change.

b. A disqualified individual who is a member of a currently participating eligible household shall be added to the household after the minimum disqualification period has been served and the person has complied with the failed requirement as follows:

(1) No change.

~~(2) If the member failed or refused to respond to a request from the department or its designee requiring supplemental information regarding employment status or availability for work, the member must comply with the request.~~

~~(3) If the member failed or refused to report to an employer to whom referred, the member must report to that employer if work is still available or report to another employer to whom referred.~~

~~(4) If the member failed or refused to accept a bona fide offer of suitable employment to which referred, the member must accept the employment if still available to the participant, or secure other employment which yields earnings per week equivalent to the refused job, or secure any other employment of at least 30 hours per week or secure employment of less than 30 hours per week but with weekly earnings equal to the federal minimum wage multiplied by 30 hours.~~

~~(5) If the member failed or refused to attend a scheduled employment and training interview, the member must arrange and attend a scheduled interview.~~

~~(6) If the member failed or refused to participate in instruction, training or testing activities, the member must participate in the activities.~~

~~(7) If the member failed or refused to complete assigned job search requirements, the member must complete the job search requirements.~~

~~(8) Rescinded IAB 2/9/00, effective 4/1/00.~~

~~(9) (2)~~ If the member voluntarily quit a job, the individual member must obtain a job comparable to the one quit.

(10) (3) If the member voluntarily reduced hours of employment to less than 30 hours per week,
the ~~individual~~ member must start working 30 or more hours per week.
c. No change.